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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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24

DATE MAILED:

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) C. Elmore (3) L. Smith
(2) E. Mata (4) _____

Date of interview 4/24/96

Type: ☐ Telephonic ☒ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☐ No. If yes, brief description: _____

Agreement ☐ was reached with respect to some or all of the claims in question. ☐ was not reached.

Claims discussed: All claims

Identification of prior art discussed: All cited prior art.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative submitted proposed amendment which would appear to overcome 112/1 rejections, if submitted. There was no agreement reached with respect to the 103 rejection of the claims

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☒ 1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ 2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

506 L. Smith
Examiner's Signature

PROPOSED CLAIMS FOR UMMC91-03A (U.S.S.N. 08/009,833)

Cancel Claims 1, 2, 4, 7-14, 17-18, and 22-24.

Claims 19-21 are unchanged:

19. A method of immunizing a vertebrate against influenza virus, said method comprising administering to a vertebrate a DNA transcription unit comprising DNA encoding an influenza virus antigen operatively linked to a promoter region, ~~thereby eliciting a humoral immune response, a cell-mediated immune response or both, against the influenza virus antigen,~~ whereby the vertebrate is ^{protective} protected from disease caused by influenza virus.
20. The method of Claim 19, wherein the influenza virus antigen is hemagglutinin.
21. The method of Claim 20, wherein the hemagglutinin is subtype H1 or H7.

NEW CLAIMS: Previous claims 2 and 7-10 are cancelled and rewritten as dependent on Claim 19.

25. The method of Claim 19, wherein the DNA transcription unit is of nonretroviral origin.
26. The method of Claim 19, wherein the vertebrate is a mammal.
27. The method of Claim 26, wherein the mammal is a human.
28. The method of Claim 19, wherein the DNA transcription unit, in a physiologically acceptable carrier, is administered to a vertebrate through a route of administration chosen from the group consisting of intranasal, intravenous, intramuscular, intraperitoneal, intradermal and subcutaneous.